

Ten steps for public participation in National Energy and Climate Plans (NECPs)

This checklist details minimum public participation requirements in the process of the NECP updates. The list serves both as a collection of demands and as a metric to assess the quality of a particular national participation process (past or future). The requirements are relevant both before and after the submission of a draft NECP to the EU Commission as some countries are likely to fail carrying out any public participation before this submission. Similarly, the requirements apply both before and after a public consultation process has been taken place as some countries' past consultation processes did not fulfil minimum requirements.

	Action	Detail	Legal basis
1.	✓ Identification of the public concerned	<p>This should be done ahead of any consultation process in a manner designed to ensure the input of both key stakeholders and members of the general public.</p> <p>Best practices for identifying the public concerned include: standing lists of interested individuals in the explanatory document, definitions in national law of the public that may participate to include any interested or concerned member of the public, etc.</p>	Aarhus Convention Art. 7
2.	✓ Publication of a public notice explaining the NECP updating process	<p>Explanatory document sets out:</p> <ul style="list-style-type: none"> • A description of the scope of the NECP • How the decision on the NECP update will be taken and which authority/authorities will take the decision • The envisaged procedure including the commencement of the procedure • The opportunities for the public to participate • The time and venue of any envisaged public hearing(s) • An indication of the public authority/authorities from which relevant information can be obtained • An indication of how and to whom comments or questions may be submitted and a time frame for the transmittal of comments or questions • An indication of what relevant environmental information is available 	<p>Governance Regulation Art. 10</p> <p>Aarhus Convention Art. 6, 7</p>
3.	✓ Publication of a draft NECP update as a basis	<ul style="list-style-type: none"> • Sufficient detail in the draft Plan is a prerequisite for meaningful public participation. 	Governance Regulation Art. 9, 10

European Environmental Bureau

• Rue des Deux Églises 14-16, 1000 Brussels, Belgium • ☎ +32 228 91090 • eeb@eeb.org • www.eeb.org

International non-profit association • Association internationale sans but lucratif (AISBL) • EC register for interest representatives:
ID number: 06798511314-27 • BCE ID number: 0415.814.848 • RPM Tribunal de l'entreprise francophone de Bruxelles

	for public participation process	<ul style="list-style-type: none"> • Made available through a variety of media, including electronic. • Minimum timeframe of 30 days between the public notice and the commencement of a public participation procedure to allow for informed participation. • Covers all 5 areas of the initial NECP and follows the <u>EU's template</u> or provides information justifying the lack of update in the missing areas. 	Aarhus Convention Art. 6, 7
4.	✓ Publication of any other information, facts and analyses relating to the preliminary strategies, policies and measures laid out in the draft NECP	<p>Inter alia:</p> <ul style="list-style-type: none"> • Information on the analytical basis of NECP. • Progress reports to be published under the Governance Regulation mechanism. 	<p>Governance Regulation Art. 8, 10</p> <p>Aarhus Convention Art. 5, 7</p>
5.	<p>✓ Carrying out public participation:</p> <p><i>Consultations undertaken in the framework of an SEA on the draft NECP can be deemed sufficient.</i></p>	<p>Most likely in the form of a public consultation</p> <p>Ensure that the public consultation is early, fair, effective, transparent, and informed:</p> <ul style="list-style-type: none"> • Raise awareness around the commencement of any public consultation and carries out capacity-building exercises; • Commence after a reasonable timeframe during which the public had the possibility to consult the published draft; • Consideration of a dedicated e-platform • Extensive questionnaire with detailed questions on policies, measures, general orientation, and targets; • Opportunities to give general comments • Public consultation lasting at least 8 weeks. 	<p>Governance Regulation Art. 10</p> <p>Aarhus Convention Art. 6, 7</p>
6.	✓ Engaging in Multilevel Climate and Energy Dialogues	Follow the dialogue designs from <u>EnergyCities</u> . Use <u>best practice examples</u> from other countries. Facilitate engagement with local authorities, civil society organisations, business community, investors, other relevant stakeholders, the general public.	Governance Regulation Art. 11
7.	✓ Adjust the draft update NECP to reflect the outcome of the public participation (consultations, stakeholder dialogues)	The draft and final NECP document must include a section showing how due account was taken of the outcome of the public participation in the preparation of the update. Publication of a separate summary of the public's views expressed.	Aarhus Convention Art. 6, 7

8.	✓ Submission and publication of a draft NECP to the EU Commission	Including a description of the public consultation. Together with a summary of the public's views and a justification of how these views were taken into account in the submitted draft update.	Governance Regulation Art. 9, 10 Aarhus Convention Art. 6,7
If no public participation has taken place before the submission of a draft to the EU Commission, it must still take place before the submission of the final updated NECP.			
9.	✓ Incorporating recommendations from EU Commission's assessment	The EU Commission assess the draft submitted to it and issues recommendations. These should include detailed analysis and recommendations on the public participation exercises that were or were not carried out.	Governance Regulation Art. 13
10.	✓ Submission and publication of the final updated NECP	The final submitted NECP must reflect and take due account of the outcome of the iterative discussion with the EU Commission as well as the constructive iterative dialogue with the public and stakeholders.	Governance Regulation Art. 3, 10, 13 Aarhus Convention Art. 6

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